

**CALENDAR ITEM  
C80**

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04/20/17  
W 6005.176  
R. B. Greenwood

**CONSIDER AN APPLICATION FOR A NON-EXCLUSIVE  
GEOPHYSICAL SURVEY PERMIT ON FILLED  
TIDE AND SUBMERGED LANDS,  
LOS ANGELES COUNTY**

**APPLICANT:**

Southern California Edison Company

**BACKGROUND:**

Southern California Edison Company (SCE) has applied for a 1.5-month Non-Exclusive Geophysical Survey Permit (Permit), commencing on April 20, 2017 and expiring on June 2, 2017. The geophysical surveys authorized under the terms of the Permit are for the purpose of locating additional saltwater supply well sites for SCE's existing Pebbly Beach desalination plant, which provides potable water for the City of Avalon on Catalina Island. The existing two saltwater wells do not allow SCE to fully utilize the capacity of the existing desalination units and do not allow for capacity expansion should the current drought persist or future droughts occur. (Although drought conditions at Catalina Island have improved during the current rainy season, the island is still experiencing a drought, classified as Moderate Drought by the [U.S. Drought Monitor](#), a joint mapping project of the National Oceanic and Atmospheric Administration, the U.S. Department of Agriculture, and the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln.) The survey will be conducted using direct current electrical resistivity survey methods to model underlying sediments. The survey profiles are measured by laying out several hundred feet of cables that are connected to small electrodes that are hammered into the ground at 56 to 112 locations. There will be no lasting impact to the ground surface after the survey is completed. Electricity from batteries is applied to the electrodes. The contrast in electrical resistivity is expected to provide useful information regarding bedrock depth and geometry and thickness of overlying sediments. Mobilization, survey, and demobilization are expected to require 3 consecutive days during a period of up to 1.5 months.

This Permit requires SCE to provide staff with advance notification of operations and the specifications of the equipment to be employed; to obtain staff approval

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30 days in advance of survey locations, including specific latitude/ longitude coordinates; and to clearly mark as confidential any confidential archeological information. Upon request, Commission staff will receive copies of all data derived from any and all surveys under this Permit.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Public Trust and State's Best Interests Analysis:**

The Permit would allow geophysical surveys to obtain scientific data, a use recognized by the courts to be consistent with the common law Public Trust Doctrine, and is in the best interest of the State by providing greater understanding of filled tide and submerged lands. (See, for example, *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) The Permit contains restrictions protective of public rights and environmental resources; for example, the Permit would be non-exclusive and is limited to 1.5 months in length. The permitted activity is not expected to interfere with the use and enjoyment of sovereign lands. Commission staff believes that granting the Permit will not substantially interfere with Public Trust needs at this time, or for the foreseeable term of the Permit.

For all the reasons above, Commission staff believes the approval of the Permit application is consistent with the common law Public Trust Doctrine and is in the best interests of the State. Staff recommends approval of this Non-Exclusive Geophysical Survey Permit application.

**TERMS OF PROPOSED PERMIT:**

Beginning April 20, 2017, through June 2, 2017.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Required fees, expense deposit, and other security have been received.

**STATUTORY AUTHORITY AND OTHER REFERENCES:**

- A. Public Resources Code sections 6005, 6212.2, 6106, and 6301
- B. California Code of Regulations, title 2, section 2905, subdivision (e)(1)
- C. California Code of Regulations, title 14, section 15061

**OTHER PERTINENT INFORMATION:**

- 1. Staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section

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2905, subdivision (e)(1).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300, and California Code of Regulations, title 2, section 2905.

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.
3. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

**EXHIBIT:**

- A. Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDINGS:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(1).

**PUBLIC TRUST AND STATE'S BEST INTEREST:**

Find that proposed Permit will not substantially interfere with the Public Trust needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

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**AUTHORIZATION:**

Authorize issuance of a Non-Exclusive Geophysical Survey Permit to Southern California Edison Company to conduct geophysical surveys for the period April 20, 2017, through June 2, 2017, on filled tide and submerged lands in the Pacific Ocean, Pebbly Beach, Santa Catalina Island, within the location designated on the attached Exhibit A.

